

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHARLES MCNEES, DAVID  
BRESSELSMITH, and TONEY A. WHITE,  
  
Plaintiff  
  
v.  
  
RONALD OLIVER, *et al.*,  
  
Defendants

Case No. 2:23-cv-01121-APG-DJA

**ORDER**

**I. DISCUSSION**

On July 18, 2023, pro se plaintiffs Charles McNees, David Bresselsmith, and Toney A. White, inmates in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). As discussed in a previous order, all three plaintiffs need to file individual applications to proceed *in forma pauperis* that are complete. (ECF No. 6). White is the only litigant who has filed a fully complete application to proceed *in forma pauperis*. (ECF No. 7).

The Court grants the plaintiffs' motion to extend time to file fully complete applications. (ECF No. 13). McNees and Bresselsmith have until October 25, 2023, to file fully complete applications to proceed *in forma pauperis*. The Court further notes that Bresselsmith submitted a financial certificate on the wrong form. (See ECF No. 14). McNees and Bresselsmith must submit completed financial certificates on this Court's approved form. Alternatively, Bresselsmith, McNees, and White may choose to pay the full \$402 filing fee for this case.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the

1 following documents to the Court: (1) a completed **Application to Proceed in Forma**  
2 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly  
3 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
4 page 4 of the Court’s approved form, that is properly signed by both the inmate and a  
5 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**  
6 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
7 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
8 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
9 See 28 U.S.C. § 1915(b).

## 10 **II. CONCLUSION**

11 For the foregoing reasons, it is ordered that the motion to extend time (ECF No.  
12 13) is granted.

13 It is further ordered that McNees and Bresselsmith have **until October 25, 2023**,  
14 to each file fully complete applications to proceed *in forma pauperis* with all three required  
15 documents: (1) a completed application with the inmate’s two signatures on page 3, (2) a  
16 completed financial certificate that is signed both by the inmate and the prison or jail  
17 official, and (3) a copy of the inmate’s trust fund account statement for the previous six-  
18 month period. Alternatively, Bresselsmith, McNees, and White may pay the full \$402 filing  
19 fee for this case **by October 25, 2023**.

20 McNees, Bresselsmith, and White are cautioned that this action will be subject to  
21 dismissal without prejudice if they fail to timely comply with this order. A dismissal without  
22 prejudice allows McNees, Bresselsmith, and White to refile the case with the Court, under  
23 a new case number, when they can file complete individual applications to proceed *in*  
24 *forma pauperis* or pay the required filing fee.

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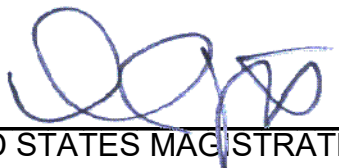
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1           The Clerk of the Court is directed to send Plaintiffs McNees and Bresselsmith the  
2 approved form applications to proceed *in forma pauperis* for an inmate and instructions  
3 for the same.

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5           DATED: September 25, 2023

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UNITED STATES MAGISTRATE JUDGE